

**JUDICIAL COUNCIL OF THE SIXTH CIRCUIT**  
**MICHIGAN-OHIO-KENTUCKY-TENNESSEE**

In re:  
Complaint of Judicial Misconduct

\*  
\*  
\*Nos. 06-17-  
\*900129/130/131  
\*  
\*  
\*

**MEMORANDUM AND ORDER**

This complaint of judicial misconduct was filed by [REDACTED] (“complainant”) against the Honorable [REDACTED] (“Subject Judge 1”), and the Honorable [REDACTED] (“Subject Judge 2”), [REDACTED] (“Subject Judge 3”). Subject Judges 2 & 3 presided over two separate and unrelated cases that the complainant brought in the district court: one involving a foreclosure, and the other involving his deceased father’s veteran’s benefits. Subject Judge 1 was the Chief Judge of the district at the time.

The complainant is no stranger to this process: this is his fifth complaint against some or all of the judges named in the instant complaint. All of his complaints charge a conspiracy between one or more of the judges and a currently practicing lawyer from a firm in which two of the judges worked before their commissions. He has also previously challenged all three judges’ partiality, claimed various conflicts of interests on part of all three, and attempted to challenge rulings made in underlying proceedings. All four of his previous complaints were summarily dismissed.

In the instant complaint, the complainant again charges a conspiracy involving Subject Judges 1 & 2 and the same lawyer he identified in his previous complaints. He alleges that the three conspired to “get rid” of his case against their former law firm’s client. Later in the complaint, the defendant accuses Subject Judge 3 of conspiring with Subject Judge 2, but does not make any connection between Subject Judge 3 and the former law firm. The complainant generally charges all three subject judges with conflicts of interest and a general bias against him and all other pro se litigants, and presents “lists” of Subject Judge 2’s & Subject Judge 3’s “offenses” in both underlying cases. These lists consist of arguments attacking rulings that the judges made in connection with those cases, including their denials of motions to recuse, for a jury trial, and issuing sanctions.

After conducting an initial review, the chief judge may dismiss a complaint as to which he concludes: (A) that the claimed conduct, even if it occurred, “is not prejudicial to the effective and expeditious administration of the business of the courts and does not indicate a mental or physical disability resulting in inability to discharge the duties of judicial office”; (B) that the complaint “is directly related to the merits of a decision or procedural ruling”; (C) that the complaint is “frivolous,” a term that applies to charges that are wholly unsupported; or (D) that the complaint “lack[s] sufficient evidence to raise an inference that

misconduct has occurred.” Rule 11(c)(1)(A)-(D), Rules for Judicial-Conduct and Judicial-Disability Proceedings.

The current complaint is subject to dismissal for the same reasons that supported dismissal of the previous complaints. To the extent the complainant’s bald allegations of conspiracy are not duplicative of allegations previously raised and dismissed, they are insufficiently supported by credible facts to warrant either a limited inquiry as authorized by 28 U.S.C. § 352(b) or an investigation by a special committee appointed pursuant to 28 U.S.C. § 353. “An allegation may be dismissed as ‘inherently incredible’ even if it is not literally impossible for the allegation to be true. An allegation is inherently incredible if no reasonable person would believe that the allegation, either on its face or in light of other available evidence, could be true.” Implementation of the Judicial Conduct and Disability Act of 1980: A Report to the Chief Justice, Judicial Conduct and Disability Act Study Committee, Sept. 2006, p. 148. It should be noted once again here that the former colleague to whose benefit the conspiracy was alleged to inure did not appear in and had nothing to do with either case. And the complainant does not allege that Subject Judge 3 was ever associated with the law firm or the colleague lawyer. This part of the complaint therefore will be dismissed pursuant to 28 U.S.C. § 352(b)(1)(A)(iii) and Rule 11(c)(1)(D) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings.

The complainant’s allegations of bias and conflicts of interest on the part of all three subject judges, which he makes here for at least the third time, are dismissed for the same reasons that they were in previous complaints: they are wholly unsupported by any credible evidence. See 28 U.S.C. § 352(b)(1)(A)(iii); Rule 11(c)(1)(D), Rules for Judicial-Conduct and Judicial-Disability Proceedings.

The “list of errors” made by Subject Judges 2 & 3 are, once again, challenges to the rulings both judges made in the underlying proceedings. To the extent the complainant challenges specific rulings made by the subject judges after the previous complaints, they are nevertheless still subject to dismissal as directly related to the merits of the named judges’ decisions in the underlying proceedings, pursuant to 28 U.S.C. § 352(b)(1)(A)(ii) and Rule 11(c)(1)(B) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings.

Accordingly, it is **ORDERED** that the complaint be dismissed pursuant to 28 U.S.C. § 352(b)(1)(A)(ii) & (iii) and Rules 11(c)(1)(B) & (D) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings.

*/s/ R. Guy Cole, Jr.*  
Chief Judge

Date: June 8, 2018